

State of Washington

WASHINGTON STATE CEMETERY BOARD

(name of governing body)

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 108

(1) Be it resolved by the Washington State Cemetery Board
acting at Seattle, Washington
(place)

that it does adopt the annexed rules relating to:
procedures for handling dead human bodies by authorized crematory
authorities. Adding new sections:
WAC 98-40-010, 98-40-020, 98-40-030, 98-40-040, 98-40-050,
98-40-060, 98-40-070, 98-40-080.

Amending WAC 98-70-010 Fees.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 85-14-108
filed with the code reviser on 7/3/85. These rules shall take effect:
 thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(?).
 at a later date, such date being _____.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, _____, find that
an emergency exists and that this order is necessary for the preservation of the public health, safety, or general
welfare and that observance of the requirements of notice and opportunity to present views on the proposed action
would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but
in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b),
or (c) as appropriate:

- (a) This rule is promulgated pursuant to RCW 68.05.100 as amended by section 8,
and is intended to administratively implement that statute. chapter 402, Laws of 1985.
- (b) This rule is promulgated pursuant to RCW _____
which directs that the

_____ (agency)
has authority to implement the provisions of

_____ (name of act or RCW citation)

- (c) This rule is promulgated under the general rule-making authority of the

_____ (agency)
as authorized in RCW _____

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public
Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register
Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to
the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON
APPROVED AND ADOPTED
FILED

SEP 6 1985

August 9, 19 85
By [Signature]
B. DAVID DALY
Chairman
Title

CODE REVISER'S OFFICE
WSR 85-19-012

NEW SECTION

WAC 98-40-010 PURPOSE FOR PROCEDURES. There are many considerations that must be taken into account when a Crematory is entrusted with the disposition of Human Remains. Identification of the deceased, holding the remains for Cremation, the Cremation Process and processing, packing and disposition of the Cremated Remains are items of concern not only to the Crematory, but also to the consuming public. High standards must be employed during all phases of the Cremation Process.

Therefore, uniform procedures have been developed in order to maintain the professionalism and public trust expected of those involved in this vital service. It is the objective of the following procedures to ensure that all procedures reflect those high standards and serve as standards for those professionals charged with the sacred trust of the disposition of the human dead by cremation, within the realm of law and dignity.

NEW SECTION

WAC 98-40-020 TERMINOLOGY. The following definitions shall apply in this chapter:

(1) AUTHORIZING AGENT(S):

The person(s) legally entitled to order the cremation of the human remains. (See RCW 68.08.160)

(2) CREMATED REMAINS:

The remaining bone fragments after cremation in a crematory. (See RCW 68.04.030)

(3) CREMATION:

"Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory in such a manner that the largest dimension of any remaining particle does not exceed five millimeters; provided, that if a person entitled to possession of such remains under the provisions of RCW 68.08.245 is going to place the cremated remains in a cemetery, mausoleum, columbarium or building devoted exclusively to religious purposes, the five millimeter dimension requirement shall not apply. (See RCW 68.04.110)

(4) CREMATION CHAMBER:

The enclosed space within which the Cremation Process takes place.

(5) CREMATION CONTAINER:

The case in which the Human Remains should be delivered to the Crematory to be placed in the Cremation Chamber for Cremation. The Cremation container shall meet the following standards:

(a) It shall be composed of a suitable combustible material. If the remains are delivered to the Crematory in a non-combustible container, the authorizing agent shall be, or have been, informed of the disposition of the container if it is not actually used in the cremation process. Any transfer of Human Remains to combustible containers at the Crematory shall be in accordance with the provisions of RCW 18.39, applicable health laws and regulations adopted hereunder.

- (b) It shall be rigid enough for handling with ease.
- (c) It shall assure protection to the health and safety of the crematory operators and others.
- (d) It shall provide proper covering for the Human Remains.
- (e) It shall meet moral codes for respect and dignity.
- (6) CREMATORY AUTHORITY:

The legal entity or the authorized representative of the legal entity, who conducts the cremation and who is properly licensed by the State of Washington to do so.

(7) CREMATORY OR CREMATORIUM:

The building or room(s) that house the Cremation Chamber. (See RCW 68.04.070, .080, and .090 and RCW 68.28 and RCW 68.48.050).

(8) HOLDING FACILITY:

An area designated for the retention of Human Remains prior to Cremation within the crematory facilities. The area shall:

- (a) Comply with any applicable public health laws.
- (b) Preserve the dignity of the Human Remains; and
- (c) Recognize the personal integrity and health of the Crematory Authority personnel operating the Crematory.

(9) HUMAN REMAINS:

The body of a deceased person. (See RCW 68.04.020)

(10) PROCESSED REMAINS:

The end result of pulverization, where the residue from the Cremation Process is cleaned leaving only bone fragments reduced to five millimeters or less. (See RCW 68.04.030)

(11) SEALABLE CONTAINER:

Any container in which Processed Remains can be placed and sealed so as to prevent leakage of Processed Remains or the entrance of foreign materials.

(12) RULES AND REGULATIONS:

The crematory authority may make, adopt, amend, add to, revise or modify, and enforce rules and regulations as necessary for proper operation of the crematory and to implement the provisions of the RCW and WAC Chapter 98-40 in regard to cremations and the handling and custody of human remains. (See RCW 68.20.060)

NEW SECTION

WAC 98-40-030 REMOVAL AND IDENTIFICATION OF HUMAN REMAINS

(1) Immediately upon taking custody of Human Remains, a Crematory Authority shall verify that the Human Remains bear a means of identification attached to the cremation container or to the remains. A Crematory Authority shall not accept unidentified Human Remains. (See RCW 68.08.170 and .180) Upon accepting Human Remains for cremation, the crematory shall make a permanent signed record of the color, shape and outside covering of any casket consumed with such Human Remains. (See RCW 68.20.100)

(2) Materials identifying the Human Remains placed in the custody of a Crematory Authority should contain the following information: (See RCW 68.08.240)

- (a) Name of deceased;
- (b) Date of death;

- (c) Place of death;
 - (d) Name and relationship of Authorizing Agent;
 - (e) Name of firm engaging Crematory services.
- (3) If the Crematory Authority takes custody subsequent to the Human Remains being placed within a Cremation Container, the Crematory Authority shall satisfy itself that identification has been made as described in WAC 98-40-030(2) and thereafter shall place or ensure that appropriate identification has been placed upon the exterior of the Cremation Container.

NEW SECTION

WAC 98-40-040 HOLDING HUMAN REMAINS FOR CREMATION

- (1) When the Crematory Authority is unable to cremate the Human Remains immediately upon taking custody thereof, the Crematory Authority shall provide a holding facility as defined in WAC 98-40-020 (8) and chapter 68 RCW and chapter 18.39 RCW.
- (2) Human Remains designated for cremation will be cremated within a reasonable time after death. (See RCW 68.08.110)
- (3) A Crematory Authority shall not hold the Human Remains for Cremation unless it is contained within an individual, rigid and closed Cremation Container as defined in WAC 98-40-020(5).
- (4) A Crematory Authority shall not accept for holding a Cremation Container from which there is any evidence of leakage of the body fluids from the Human Remains therein.
- (5) Human Remains that are not embalmed shall be held only within a refrigerated facility or in compliance with applicable public health regulations.
- (6) Holding facilities shall be secure from access by unauthorized persons.

NEW SECTION

WAC 98-40-050 CREMATION OF HUMAN REMAINS

- (1) Cremation will not take place until the necessary permits and consents are issued by the Health Department and/or Coroner or Prosecuting Attorney. (See RCW 68.08.108 and RCW 70.58.230)
- (2) Immediately prior to being placed within the Cremation Chamber, the identification of the Human Remains shall be verified by the Crematory Authority and identification of the Human Remains being cremated shall be placed near the cremation Chamber control panel where it shall remain in place until the Cremation Process is complete.
- (3) The unauthorized simultaneous Cremation of more than one Human Remains within the same Cremation Chamber is specifically forbidden. It may be done only when authorized as provided in WAC 98-40-050(4).
- (4) A Crematory Authority may simultaneously cremate more than one Human Remains within the same Cremation Chamber only upon having received written authorization to do so from the Authorizing Agent of

each Human Remains to be cremated. A written authorization shall exempt the Crematory Authority from all liability for co-mingling of the products of the Cremation Process.

NEW SECTION

WAC 98-40-060 PROCESSING OF CREMATED REMAINS

(1) Upon completion of the Cremation, insofar as is possible, all residual of the Cremation Process shall be removed from the Cremation Chamber and the chamber swept clean. The residual shall be placed within a container or tray in such a way that will ensure against co-mingling with other Cremated Remains. The identification shall be removed from the control panel area and attached to the container or tray to await final processing.

(2) All residual of the Cremation Process shall undergo final processing to comply with applicable legal requirements. It is recommended that the residual be manually cleaned of anything other than body residue and the fragments reduced to Processed Remains.

(3) All body prostheses, bridgework or similar items removed from the cremated remains, shall be disposed of by the Crematory Authority as directed by the Authorizing Agent. No other materials shall be removed from the Cremated Remains.

NEW SECTION

WAC 98-40-070 PACKAGING AND STORAGE OF CREMATED REMAINS

(1) The entire Cremated Remains or Processed Remains shall be placed in a sealable container as defined in WAC 98-40-020(11) or in such container as may have been ordered by the authorizing agent, together with the identification of the cremated remains.

(2) Should the Cremated Remains or Processed Remains not adequately fill the container's interior dimensions, the extra space may be filled with packing material that will not become intermingled with the Cremated Remains or Processed Remains and then securely closed.

(3) If the entire Cremated Remains or Processed Remains will not fit within the dimensions of the designated receptacle, the remainder shall be returned either in a separate container, or upon written permission of the Authorizing Agent, be disposed of according to the established procedures of the Crematory Authority.

(4) When a temporary container is used to return the Cremated Remains or Processed Remains, it is recommended that the container be placed within a sturdy box and all box seams taped closed to increase the security and integrity of that container. The outside of the container shall be clearly identified with the name of the deceased person whose Cremated Remains or Processed Remains are contained therein.

(5) Cremated Remains or Processed Remains held by a Crematory Authority or cemetery pending final disposition shall be handled in accordance with RCW 68.48.050.

NEW SECTION

WAC 98-40-080 DISPOSITION OF CREMATED REMAINS

(1) A Crematory Authority shall keep an accurate record of all cremations performed, including disposition of the remains, as required by law. (See RCW 68.08.240)

(2) Forms granting Authority to Cremate may contain notification of the disposition procedure in WAC 98-40-080(3).

(3) When Cremated Remains or Processed Remains of any dead human body have been in the possession of a Crematory Authority, funeral director or cemetery as originally authorized by the Authorizing Agent(s) without instructions or payment for final disposition for a period of two years or more (See RCW 68.08.230) the Crematory Authority, funeral director, cemetery authority or other entity holding Cremated Remains or Processed Remains of persons other than their relatives may:

(a) Endeavor to contact the authorizing agent(s) by registered mail requesting disposition instructions and informing the authorizing agent(s) of the procedures that may be followed if disposition instructions are not received.

(b) If contact cannot be made or disposition instructions are not made within 60 days of the initiation of the contact process, the Crematory Authority, funeral director or cemetery authority, or other entity holding Cremated Remains or Processed Remains of persons other than their relatives, may arrange for permanent disposition of the Cremated Remains or Processed Remains in a cemetery established in accordance with RCW 68. Such disposition may be in an individual, common, or community grave, crypt or niche from which individual recovery of the Cremated Remains or Processed Remains may or may not be possible. No entity making disposition of remains under this procedure shall be liable for the non-recoverability of any Cremated Remains or Processed Remains.

(c) A record of the name, place of death, crematory authority and location of the disposition shall be maintained as permanent records by both the cemetery and crematory authority, funeral director or other entity holding Cremated Remains or Processed Remains of persons other than their relatives.

(4) With written permission from the Authorizing Agent, a Crematory may dispose of Cremated Remains or Processed Remains in any legal manner. (See RCW 68.08.130 and .245)

AMENDATORY SECTION (Amending Order 107, filed 11/29/83)

WAC 98-70-010 FEES. The following fees shall be charged by the Washington state cemetery board:

Title of Fee

Fee

Regulatory charges

Charge per each preceding
[calendar] year interments, entombments
and inurnments \$ 2.40

Prearrangement sales license

Application 100.00
Renewal 50.00

Crematory license/endorsement fifty dollars/year plus fifty cents per cremation performed during applicable year.